1 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO 2 WILLIE IVAN PEREZ-MARQUEZ, et. al. 3 **Plaintiffs** 4 **CIVIL NO.** 06-2218 (GAG) v. 5 MIGUEL A. PEREIRA, et. al. 6 Defendants 7 8 MEMORANDUM OPINION AND ORDER 9 Plaintiffs' civil rights action under 28 U.S.C. § 1983 is hereby DISMISSED. A review of 10 the pleadings filed by plaintiff (see Docket Nos. 2 and 6) reveals that his injuries were sustained as 11 a result of the negligence of a penal officer and an inmate who assaulted plaintiff. An administrative 12 investigation was indeed carried out at the penal institution confirming plaintiff's allegations of 13 negligence. 14 While a negligence claim is available to plaintiff under Puerto Rico law to seek redress for 15 his injuries, the same does not rise to the level of a constitutional violation, as is required for a 16 plaintiff bringing a civil rights action before this Court pursuant to Section 1983. 17 Plaintiff, hence, must pursue his negligence claim before the Puerto Rico courts. 18 SO ORDERED. 19 In San Juan, Puerto Rico this 5th day of February, 2007. 20 21 S/Gustavo A. Gelpí 22 GUSTAVO A. GELPI 23 United States District Judge 24 25 26 27

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